

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRADLEY KLOCK,

Plaintiff,

v.

CLEARLY LASIK, INC., a Nevada  
corporation; MICHAEL MOCKOVAK  
and HEATHER MOCKOVAK, and the  
marital community composed thereof; and  
JOSEPH KING and HOLLY KING, and  
the marital community composed thereof,

Defendants.

No. 09-CV-00123 RSM

**STIPULATION AND  
ORDER TO REMAND  
TO STATE COURT**

**STIPULATION**

Plaintiff Bradley Klock (“Plaintiff”) and Defendants Clearly Lasik, Inc., et al.,  
 (“Defendants”) stipulate to the following:

1. Defendants removed this matter from King County Superior Court to this  
Court on January 27, 2009.
2. On January 29, 2009, this Court issued an Order to Show Cause Re: Remand  
and asked the parties to address whether remand was appropriate under the “forum defendant  
rule” set forth in 28 U.S.C. § 1441(b). The Court noted that this is a procedural rule and that

1 Plaintiff would waive this issue if no response was received by February 20, 2009.

2 3. On January 30, 2009, counsel for Defendants conferred with counsel for  
3 Plaintiff and indicated that Defendants would stipulate to a remand if Plaintiff did not want  
4 the matter in federal court.

5 4. On February 10, 2009, Plaintiff filed a response to the Order to Show Cause  
6 and requested remand.

7 5. Because Plaintiff did not waive the application of the forum defendant rule, the  
8 parties hereby stipulate that this Court should remand the present matter to King County  
9 Superior Court.  
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11 DATED this 17th day of February, 2009.

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13 CONNER & SARGENT PLLC

K&L GATES LLP

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Attorneys for Defendants  
Clearly Lasik, Inc., et al.

1 **ORDER**

2 Having considered the foregoing stipulation, the Court hereby directs the remand of  
3 this matter to King County Superior Court. IT IS SO ORDERED.

4 Dated this \_18\_ day of February, 2009.

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8 RICARDO S. MARTINEZ  
9 UNITED STATES DISTRICT JUDGE  
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